

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of

DAVID BRIAN FARLEY, MD
LICENSE NO. MD16003

STIPULATED ORDER.

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the State of Oregon. David Brian Farley, MD (Licensee) is a licensed physician in the State of Oregon.

2.

On September 3, 2020, the Board issued a Complaint and Notice of Proposed Disciplinary Action in which the Board proposed to take disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), which may include the revocation of license, a \$10,000 civil penalty per violation, and assessment of costs, against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188 conduct unbecoming a person licensed to practice medicine or detrimental to the best interest of the public as further defined in OAR 847-010-0073(3)(b)(G) sexual misconduct, ORS 677.188(4)(a) any conduct or practice contrary to recognized standards of ethics of the medical profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public, ORS 677.188(b) willful performance of any surgical or medical treatment which is contrary to acceptable medical standards, and ORS 677.188(c) willful and repeated ordering or performance of unnecessary laboratory tests or radiologic studies; administration of unnecessary treatment; employment of outmoded, unproved or unscientific treatments; or otherwise utilizing medical service for diagnosis or treatment which is or may be considered inappropriate or unnecessary; and ORS

677.190(13) gross or repeated acts of negligence. Prior to the issuance of the Notice, on August 6, 2020, Licensee entered into an Interim Stipulated Order with the Board in which he agreed to voluntarily withdraw from practice and place his license in Inactive status pending the completion of the Board's investigation.

3.

Licensee and the Board desire to settle this matter by the entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (Oregon Revised Statutes chapter 183), and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. Licensee neither admits nor denies, but the Board finds that Licensee engaged in conduct as described in the September 3, 2020, Complaint and Notice of Proposed Disciplinary Action, and that this conduct violated the Medical Practice Act, to wit ORS 677.190(1)(a), as defined in ORS 677.188 as further defined in OAR 847-010-0073(3)(b)(G), ORS 677.188(4)(a), ORS 677.188(b), and ORS 677.188(c); and ORS 677.190(13). Licensee understands that this Order is a public record and is a disciplinary action that is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards.

4.

Licensee and the Board agree that the Board will close this investigation and resolve this matter by entry of this Stipulated Order, subject to the following conditions:

4.1 Licensee's Oregon medical license is revoked, and Licensee agrees never to reapply for a license to practice medicine in Oregon.

4.2 Licensee is reprimanded.

4.3 Licensee must pay a civil penalty in the amount of \$20,000. This term is held in abeyance unless Licensee violates any term of this Order or practices medicine in the State of Oregon, including holding himself out as a physician in Oregon, as set forth in ORS 677.085. Any violation of this term of the Order will immediately terminate the abeyance of the civil

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1 penalty and the \$20,000 civil penalty will become payable in full within 30 days from the date
2 that Licensee receives written notification from the Board.

3 4.4 The Interim Stipulated Order of August 6, 2020, terminates effective the date the
4 Board Chair signs this Stipulated Order.

5 4.5 Licensee must obey all federal and Oregon state laws and regulations pertaining
6 to the practice of medicine.

7 4.6 Licensee stipulates and agrees that any violation of the terms of this Order shall
8 be grounds for further disciplinary action under ORS 677.190(17).

9 5.


10 This Order becomes effective the date it is signed by the Board Chair.

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12 IT IS SO STIPULATED this 22 day of September 2020.

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15 DAVID BRIAN FARLEY, MD

16 IT IS SO ORDERED this 2nd day of October 2020.

17 OREGON MEDICAL BOARD
18 State of Oregon

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20 KATHLEEN M. HARDER, MD
21 Board Chair